IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.1259 OF 2006
IN
CRIMINAL APPEAL NO.1195 OF 2006

Arjun Bhimrao Ralebhat ...Applicant
vs.
State of Maharashtra ...Respondent

Mr.S.P.Thorat for the Applicant
Mr.A.S.Shitole, A.P.P. for State

CORAM: A.S.OKA,J.
DATE : DECEMBER 13,2006.

P.C.:

1. Heard Advocate for the Applicant and the learned A.P.P. for State. The Applicant has been convicted for offence under section 395 of the Indian Penal Code. The substantive sentence is of 7 years R.I. The fine of Rs.2000/- has been imposed. The Applicant was on bail throughout the trial.

2. The learned A.P.P. had relied upon the fact that in another case the Applicant has been chargesheeted for offences punishable under sections 395,342 of the Indian Penal Code. The learned Advocate for the Applicant has produced for my perusal the Judgment and order dated 29th September 2004 passed by the Sessions Court in the said case which shows that the Applicant has been acquitted.

3. I have perused the notes of evidence and the findings recorded by the Trial Court. The allegation against the Applicant (accused no.5) is that the accused nos.1 to 4 along

with him were travelling in Sumo vehicle which stopped a truck. Accused nos.1 to 4 boarded the truck and took the truck to a field. Accused nos.1 to 4 pulled down the driver of the truck and they tied him to a nim tree standing in the field. The allegation is that the bags of cement in the truck were stolen along with an amount of Rs.5300/- and a wrist watch of the complainant.

4. The allegation against the Applicant is that all along he was sitting in the Sumo vehicle.

5. Considering the role ascribed to the Applicant and the fact that the Applicant was on bail throughout the trial, the Applicant deserves to be enlarged on bail.

6. Application is disposed of by passing the following order:

i) The Applicant shall be enlarged on the same bail on which he was enlarged during the pendency of the trial subject to filing fresh bail bonds.

ii) Bail is granted subject to condition that the Applicant will report to Walchand Nagar police station, on first Saturday of every calendar month till the final disposal of the Appeal.

JUDGE